

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

KBC INVESTMENTS LIMITED,

Defendant.

No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02761 (CGM)

**STIPULATION AND ORDER REGARDING FILING OF
AMENDED COMPLAINT AND SUBSEQUENT SCHEDULING**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff, individually, and defendant KBC Investments Limited (“Defendant,” and with the Trustee, the “Parties”), by and through their respective undersigned counsel, state as follows:

WHEREAS, the Trustee filed a complaint in this action on October 6, 2011; and

WHEREAS, on July 15, 2022, counsel for KBC consented to the Trustee's filing of an amended complaint in the form forwarded by the Trustee's counsel to KBC's counsel on July 1, 2022, subject to the right of KBC to file a motion to dismiss any and all claims asserted therein.

IT IS HEREBY STIPULATED AND AGREED, the Trustee shall file the amended complaint in final form (which shall be substantively the same as the draft amended complaint provided to defense counsel on July 1, 2022) (the "Amended Complaint") on or before **August 5, 2022**.

IT IS FURTHER STIPULATED AND AGREED, the Defendant shall file a motion to dismiss the Amended Complaint on or before **October 7, 2022**. The Trustee shall file any opposition to Defendant's motion to dismiss on or before **December 9, 2022**, and Defendant shall file any reply brief in support of its motion on or before **January 13, 2023**.

IT IS FURTHER STIPULATED AND AGREED, that the Parties shall request oral argument on the motion for the Court's February 2023 omnibus hearing date, subject to the availability of undersigned counsel for the parties.

IT IS FURTHER STIPULATED AND AGREED, the Parties reserve all rights, arguments, objections, and defenses they may have, and entry into this Stipulation and Order shall not impair or otherwise affect any such rights, arguments, objections, and defenses, including without limitation, challenges to personal jurisdiction.

IT IS FURTHER STIPULATED AND AGREED, the above deadlines granted by this Stipulation and Order are without prejudice to either party seeking future extensions of time.

Dated: August 1, 2022
New York, New York

By: /s/ Eric R. Fish
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Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7
Estate of Bernard L. Madoff*

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*Attorneys for Defendant, KBC Investments
Limited*

SO ORDERED.

Dated: August 2, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge